

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

KASHAN INVESTMENT INC.

Plaintiff,

v.

DEPOSITORS INSURANCE COMPANY

Defendant.

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CIVIL ACTION NO. 5:22-cv-01174-OLG

JOINT ALTERNATIVE DISPUTE RESOLUTION REPORT

Pursuant to the Court's Scheduling Order¹ and Local Rule CV-88, Plaintiff Kashan Investment Inc. ("Plaintiff") and Defendant Depositors Insurance Company ("Defendant") (collectively, the "Parties"), file this Joint Alternative Dispute Resolution Report, respectfully showing the Court as follows:

INFORMATION REQUIRED BY RULE CV-88

1. **Status of Settlement Negotiations.** As required by the Court's Scheduling Order, Plaintiff will submit a written offer of settlement on or before March 7, 2023. Defendant will respond on or before March 14, 2023 in accordance with the Court's Scheduling Order.
2. **Identity of the person responsible for settlement negotiations.** Plaintiff's counsel, Clare P. Rodgers, and Defendant's counsels, Patrick M. Kemp and Robert G. Wall, are responsible for settlement negotiations.
3. **Whether alternative dispute resolution is appropriate in this case.** The Parties agree ADR is appropriate for this case, and that mediation is the method most likely to result in a mutually agreeable resolution of the Parties' dispute.

¹ Doc. No. 8

4. **Timing for alternative dispute resolution.** The parties plan to complete mediation by the October 6, 2023 dispositive motions deadline.

5. **Name of alternative dispute resolution provider.** The parties agree to mediate with Donald R. Philbin, Jr. Mr. Philbin's phone number is (210) 212-7100, and his address is PO Box 12367 San Antonio, Texas 78212. Mr. Philbin's fee will be split equally by the parties.

Respectfully submitted,

/s/ Clare P. Rodgers w/ permission PMK

Clare P. Rodgers
Texas Bar No. 24079097
Pace Rodgers Law PLLC
310 W. Sunset, Suite 203
San Antonio, Texas 78209
(210) 714-3722
(210) 579-6679 – Facsimile

ATTORNEY FOR PLAINTIFF

/s/ Patrick M. Kemp

Patrick M. Kemp
Texas Bar No. 24043751
pkemp@smsm.com
Robert G. Wall
Texas Bar No. 24072411
rwall@smsm.com
Segal McCambridge Singer & Mahoney
100 Congress Avenue, Suite 800
Austin, Texas 78701
(512) 476-7834
(512) 476-7832 - Facsimile

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF this the 6th day of February, 2023 to:

Clare P. Rodgers
Pace Rodgers Law PLLC
310 W. Sunset, Ste. 203
San Antonio, Texas 78209
crodders@pacerodgerslaw.com

/s/ Patrick M. Kemp

Patrick M. Kemp